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SCHLUMBERGER TECHNOLOGY CORPORATION

E-FILED - 10/18/07

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MEMRY CORPORATION,

Plaintiff,

v.

KENTUCKY OIL TECHNOLOGY, N.V.,
PETER BESSELINK, MEMORY METALS
HOLLAND, B.V.,

Defendants.

CASE No. CV-04-03843 RMW (HRL)

**STIPULATION AND []
ORDER REGARDING DEADLINE FOR
PARTIES' EXCHANGE OF
DEMONSTRATIVE EXHIBITS**

KENTUCKY OIL TECHNOLOGY, N.V.,

Counterclaimant,

v.

MEMRY CORPORATION and
SCHLUMBERGER TECHNOLOGY
CORPORATION,

Counterclaim Defendants.

NO HEARING REQUESTED

PRETRIAL CONF: NOVEMBER 1, 2007
TRIAL: NOVEMBER 19, 2007
THE HONORABLE RONALD M. WHYTE

Plaintiff and counter-defendant Memry Corporation (“Memry”), Defendants Kentucky Oil Technology, N.V., Peter Besselink, Memory Metals Holland, B.V. and counterclaimant Kentucky Oil Technology, N.V. (collectively “Kentucky Oil”) and counter-defendant Schlumberger Technology Corporation (“STC”), file this Stipulation and Proposed Order to extend the time for the parties to exchange demonstrative exhibits as set forth in the Court’s Standing Order Re: Pretrial Preparation, (the “Pretrial Preparation Order”). The parties completed their initial meet and confer on October 2, 2007 and discussed scheduling issues related to the pretrial filings.

RECITALS

1. On May 25, 2007, the Court set the trial of this action for November 19, 2007 and a Pretrial Conference for November 1, 2007.

2. The Pretrial Preparation Order specifies that not less than ten court days before the Pretrial Conference, the parties shall exchange copies of proposed exhibits, schedules, and summaries and other items to be offered at trial together with a complete list of all such proposed exhibits. See paragraph B.8. of the Pretrial Preparation Order.

3. The parties intend to exchange a list of those exhibits as required under the Pretrial Preparation Order. but will not be prepared to exchange any charts, schedules, summaries, diagrams or other materials that will be used as demonstratives at that time. Such demonstratives shall be exchanged six (6) calendar days before trial. The parties agree that any objection to such demonstratives shall be served and filed three (3) calendar days before trial. The parties will serve copies of all other exhibits as required by the Pretrial Preparation Order.

4. Finally, the parties agreed that a party must serve a copy of any demonstrative at least 24 hours before it plans to use it at trial in the event that it has not been not previously disclosed.

STIPULATION

Accordingly, the parties stipulate as follows:

1. The parties incorporate the recitals set forth above.

2. The parties shall exchange any charts, schedules, summaries, diagrams or

1 other materials that will be used as demonstratives not less than six (6) calendar days before trial.
2 Objections to such demonstratives shall be served and filed three (3) calendar days before trial.

3 3. If a party seeks to use any other demonstrative during trial, that party shall
4 serve the demonstrative on all other parties at least 24 hours before it is used.

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6 DATED: OCTOBER 12, 2007

Cantor Colburn

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William J. Cass
Attorneys for Memry Corporation

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10 DATED: OCTOBER 12, 2007

Luce Forward Hamilton & Scripps LLP

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Michael H. Bierman
Attorneys for Kentucky Oil Technology, NV
13 Peter Besselink and Memory Metals Holland
14 B.V.

15 DATED: OCTOBER 12, 2007

Foley & Lardner LLP

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Nancy J. Geenen
18 Attorneys for Schlumberger Technology
19 Corporation.

20 **ORDER**

21 IT IS SO ORDERED.

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23 DATED: 10/18/07

Ronald M. Whyte

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Ronald M. Whyte
25 Judge, United States District Court
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